

# **EXHIBIT 4**

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CAUSE NO. 14-DCV-213769

ROBERT SALINAS : IN THE DISTRICT COURT OF  
:  
:  
VS. : FORT BEND COUNTY, TEXAS  
:  
:  
KROGER TEXAS L.P., KRGP INC. :  
AND DAVID CASTILLO : 268TH JUDICIAL DISTRICT

\*\*\*\*\*  
ORAL AND VIDEOTAPED DEPOSITION OF  
ROBERT SALINAS  
SEPTEMBER 23, 2014  
(VOLUME 1 OF 1)  
\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF ROBERT SALINAS, produced as  
a witness at the instance of the Defendants, and duly sworn,  
was taken in the above-styled and numbered cause on the 23rd  
of September, 2014, from 2:11 p.m. to 4:40 p.m., before  
Sheila J. Nieto, CSR, in and for the State of Texas, reported  
stenographically, at The Estes Law Firm, 1708 Thompson Road,  
Richmond, Texas 77469, pursuant to Notice, the Texas Rules  
of Civil Procedure, and the provisions stated on the record  
or attached hereto.

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1 A Yes.

2 Q Were there other supervisors that you complained  
3 to?

4 A Those, and just Tony Mendoza.

5 Q Right.

6 And then after that first time in May, how many  
7 more times did you speak to Mike Childs about Mr. Castillo?

8 A More times? I don't know. I -- I don't know how  
9 many times. But I will just go up there, and I would tell  
10 him the situation, and he just talked to me and just -- He  
11 said he would talk to David.

12 Q And so I want to be very specific about what you  
13 were saying. Were -- Did -- Did you, specifically, tell Mike  
14 Childs, the store manager, that David Castillo was making fun  
15 of you, was touching you inappropriately, and was making  
16 inappropriate sexual comments to you?

17 A Yes, I told him.

18 Q All -- Every time that you had your --

19 A I told --

20 Q Every time you had your conversation and your  
21 report to Mike Childs, you told him all three of those  
22 things: making fun of you, inappropriate sexual touching,  
23 and inappropriate sexual comments.

24 MR. ESTES: Object to form.

25 Q Is that true?

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1 A I would tell him those things.

2 Q Okay. All three of those things?

3 A All those three, I would tell him.

4 Q And Ms. Mendoza, likewise?

5 A Yes.

6 Q And Ms. Gordana, likewise?

7 A Yes.

8 Q And Tony Mendoza, likewise?

9 A Several times. Tony. Tony got mad at me.  
10 He told me stop going upstairs.

11 Q And so -- Because we have from May of 2011, until  
12 April of 2012. And did all these -- Did all of this conduct  
13 of David Castillo continue through that whole time?

14 A Re-- Could you repeat that again.

15 Q Did -- From May, when you first spoke to Mike  
16 Childs, until April of 2012, eleven months later, did that  
17 bad conduct of David Castillo continue?

18 A Yes. It continued. I mean -- to -- it -- it  
19 continued to all the way and -- and then it -- it -- it  
20 stopped. It stopped. He stopped touching me. He stopped  
21 touching me and -- and --

22 But he got mad at me. David Castillo got mad at  
23 me. He -- He got mad at me in and -- He got mad at me 'cause  
24 I was reporting that incident upstairs. And they talked to  
25 him. And then he got really mad.

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1 Q Okay. So there was a point in time that --

2 A He stopped everything.

3 Q -- he stopped everything.

4 A Yes. He stopped.

5 Q Okay. And did it all come back, just back in -- in  
6 April, on that one day or, what?

7 A Yeah. He was making fun of my hair. He was making  
8 my -- fun of my hair. And he was mad that day. I don't  
9 know. He was making fun of my hair. He don't like my hair.

10 Q Okay. So let's -- Again, I want this --

11 A But --

12 Q I want this timeline established because you had  
13 all these regular problems --

14 A Time.

15 Q -- and then after you spoke to Mike Childs, you  
16 know that they, apparently, confronted David Castillo.  
17 Right?

18 A Yes.

19 Q Whom you thought was David Palacios.

20 A Yeah.

21 Q And then all of these things with David Castillo  
22 stopped. Right?

23 A Toward -- Yeah, everything stopped, but it made --  
24 Yeah. He stopped touching me, yes. After -- After --  
25 Towards the end, after he moved -- touching me for the

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1 longest time. It didn't stop just like that (snaps fingers).

2 Q Okay.

3 A He did not stop just like that. It didn't stop  
4 just like that.

5 Q Well, I'm -- That's why I'm asking you questions.  
6 I'm --

7 A No, it didn't stop just like that.

8 He did these things to me all the way through  
9 the re-- from -- for the rest of the year and then he  
10 stopped. He stopped. And then in 2012, he -- he stopped  
11 He stopped. After all these times he was doing these to me  
12 and -- and -- 2011.

13 And then in 2012 -- and then -- and then he started  
14 making fun of me and then he start-- he was mad and he'd make  
15 fun of my hair and then -- then he tried to kill me.

16 Q Okay. So the -- Are you saying that the  
17 inappropriate touching and the sexual comments continued  
18 through the end of 2011?

19 A To the end -- Almost to the end, to -- to like  
20 November.

21 Q Okay. All right. We'll say 'til November.

22 And you were making multiple complaints just to all  
23 these people. Right?

24 A Yes. Yes, sir.

25 Q How many more times did you speak to Mike Childs?

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1 A I would talk to Tony.  
 2 Q You'd only talk to Tony.  
 3 A But Tony got mad at me. He says he don't want me  
 4 going upstairs anymore.  
 5 Q So all -- So the only complaining that you were  
 6 doing was to Tony.  
 7 A Yes. He got mad at me. He said he didn't want me  
 8 to go upstairs anymore.  
 9 Q And by November, they said something to David  
 10 Castillo about all of this and then the touching stopped.  
 11 A He didn't touch me aft-- after that. After that,  
 12 it was -- he just -- he just made fun of me like my hair.  
 13 But he was upset. And after that, then he tried to kill me.  
 14 Q Yes.  
 15 And so from November until April, the contact that  
 16 you had with --  
 17 A Like touching -- Him touching me? Okay.  
 18 Q From November until April, the only complaint that  
 19 you had about David Castillo was that he would make fun of  
 20 you, and, primarily, make fun of you about your hair.  
 21 A Yes.  
 22 MR. ESTES: Objection, form.  
 23 Q And then something happened on April of -- Well, in  
 24 April, where you say that he tried to kill you. Yes?  
 25 A Yes.

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1 Q And that was the first -- Was that the first time  
 2 that he had actually touched you in many months?  
 3 A Yes.  
 4 Q And was there anything that you had said or done  
 5 that, in any way, provoked him?  
 6 A No. He said he was upset that day because he was  
 7 having problems in his marriage.  
 8 Q Okay. So he explained to you that because he was  
 9 upset for personal reasons, he -- that's why he -- he did  
 10 that to you.  
 11 A Well, that, and he -- he was -- you know, he said  
 12 he was having problems in his marriage and then he was --  
 13 started making fun of my hair. That same day, he tried --  
 14 Q Okay. So this -- The same person who'd been making  
 15 fun of you and doing all these things and -- and --  
 16 A He talks about -- He was -- He said --  
 17 Q -- and who got in trouble because of the complaints  
 18 that you made about him, he shared with you that he was  
 19 having trouble in his marriage --  
 20 A Yes.  
 21 Q -- the very day that he tried to kill you.  
 22 A Yes.  
 23 Q And what did you say to him when he was --  
 24 A Talking to --  
 25 Q -- sharing this -- this intimate thing about having

1 trouble in his marriage?  
 2 A I told him he should just try to get his life  
 3 straight, try to get his life straight and try to fix -- fix  
 4 everything.  
 5 Q Okay. And then later that same morning when you  
 6 were working together, he started making fun of your hair.  
 7 Is that right?  
 8 A Yes.  
 9 Q Which he had done on other occasions.  
 10 A Yes.  
 11 Q And not sexual content, not touching or anything.  
 12 He's just making fun of your hair.  
 13 A Yes; and calling me names, you know, "faggot."  
 14 Q Right.  
 15 A Or "gay." I mean, "gay."  
 16 Q And then -- So tell me about when he grabbed you  
 17 and when you say that he tried to kill you. Tell me about  
 18 that incident.  
 19 A I was working. I was working, and I was cutting  
 20 the --  
 21 Q Wat-- Watch. You got the --  
 22 A I was working and -- and I was trimming the  
 23 lettuce --  
 24 Q Wat-- Wat-- Watch you're -- I'm -- I'm happy for  
 25 you to do it. I just want you to be careful with -- that

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1 you're --  
 2 A Oh. I was trimming my lettuce --  
 3 MR. ESTES: Microphone.  
 4 Q Of your microphone.  
 5 A Oh.  
 6 Q Because you --  
 7 A I was trimming my lettuce and stuff and then  
 8 Andreas was over there next to him.  
 9 Q This is in the back room?  
 10 A No. We're all -- That's all three of us.  
 11 And then I had my buggy, I was loading up; and then  
 12 I started walking like -- walking that way towards him;  
 13 then -- and then he came (indicating) behind me, directly  
 14 behind me with the knife and put pressure against my throat.  
 15 Q Okay. And this -- was this just -- this, pretty  
 16 much, out of the clear blue?  
 17 A Yes. I didn't -- I didn't know he was going to do  
 18 that. How would I know?  
 19 Q I mean, were you talking to him, in any way?  
 20 A No, I wasn't even talking to him.  
 21 Q So -- I mean, you're just minding your own  
 22 business --  
 23 A Yes.  
 24 Q -- and all of a sudden, he comes around behind you  
 25 and --

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1 Mr. Joshua Estes, Attorney for Plaintiff  
 2 Fax: 281.238.9964

3 I further certify that I am neither counsel for,  
 4 related to, nor employed by any of the parties or attorneys  
 5 in the action in which this proceeding was taken, and further  
 6 that I am not financially or otherwise interested in the  
 7 outcome of the action.

8 Further certification requirements pursuant to  
 9 Rule 203 of TRCP will be certified to after they have  
 10 occurred.

11 Certified to, by me, on this 8th day of October, 2014.

12  
 13  
 14  
 15 \_\_\_\_\_  
 16 Sheila J. Nieto, Texas CSR 1676  
 17 Expiration Date: 12/31/14  
 18 Carol Davis Reporting, Regs. 47  
 19 7838 Hillmont  
 20 Houston, Texas 77040  
 21 Telephone: 713.647.5100  
 22 Fax: 713.647.5157  
 23  
 24  
 25

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1 FURTHER CERTIFICATION UNDER RULE 203 TRCP

2 The original deposition/signature page was/was not  
 3 returned to the deposition officer on \_\_\_\_\_

4 If returned, the attached Changes and Signature  
 5 page contains any changes and the reasons therefore;

6 If returned, the original deposition was delivered  
 7 to Mr. Brock C. Akers, Custodial Attorney;

8 That \$ \_\_\_\_\_ is the deposition officer's  
 9 charges to the Defendants for preparing the original  
 10 deposition transcript and any copies of exhibits;

11 That the deposition was delivered in accordance  
 12 with Rule 203.3, and that a copy of this certificate was  
 13 served on all parties shown herein on \_\_\_\_\_ and  
 14 filed with the Clerk.

15 Certified to, by me, this \_\_\_\_\_ day of \_\_\_\_\_

16  
 17  
 18  
 19 \_\_\_\_\_  
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